

US EPA RECORDS CENTER REGION 5



436056

Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4528
t 404 815 6500 f 404 815 6555

March 2, 2012

direct dial 404 815 6330
direct fax 404 541 3366
surichardson@kilpatricktownsend.com

Via Certified Mail

Michelle Kerr
Remedial Project Manager
US Environmental Protection Agency – Region 5
Superfund Division (SR-6J)
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Re: Response to General Notice Letter and Information Request for the
Chemetco Superfund Site, Hartford Illinois

Dear Ms. Kerr:

Kilpatrick Townsend & Stockton represents **Intersteel, Inc.** (Intersteel) with regard to preparation of a response to the above-referenced General Notice Letter and Information Request, which is dated November 30, 2011 (Information Request). A “blanket extension” to the Information Request was granted by electronic mail message from you dated January 18, 2012, extending the date to respond to March 3, 2012. A second blanket extension was granted by electronic message from you dated February 24, 2012, extending the date to respond to May 4, 2012. Therefore, this Response is timely filed. Intersteel’s response to the Information Request is attached hereto as Appendix A.

The General Notice Letter requests Intersteel’s interest in participating in future negotiations regarding the Chemetco Site. Intersteel is willing to participate in future negotiations regarding the Chemetco Site, recognizing that Intersteel is a small company and does not have the resources to assume liability and significant remedial obligations for the Chemetco Site. Rather, Intersteel wishes to participate in negotiations and resolution of liability at a level that reflects Intersteel’s limited involvement with Chemetco and the applicability of the Superfund Recycling Equity Act of 1999, 42 U.S.C. §9627.

Michelle Kerr
March 2, 2012

Please let me know if I can provide any additional information or if you have any questions regarding this response.

Sincerely,

A handwritten signature in blue ink, appearing to read "S.H. Richardson", with a long, sweeping horizontal line extending to the right.

Susan H. Richardson

Attachment
cc: George Lipton

Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4528
t 404 815 6500 f 404 815 6555

March 14, 2012

direct dial 404 815 6330
direct fax 404 541 3366
surichardson@kilpatricktownsend.com

Via Certified Mail

Michelle Kerr
Remedial Project Manager
US Environmental Protection Agency – Region 5
Superfund Division (SR-6J)
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Re: “Revised” Response to General Notice Letter and Information Request for the
Chemetco Superfund Site, Hartford Illinois

Dear Ms. Kerr:

In my review of **Intersteel's** Response to EPA General Notice Letter and Information Request, I discovered two typographical errors. Please replace this Response with the one we previously submitted on March 2, 2012.

Please let me know if I can provide any additional information or if you have any questions regarding this response.

Sincerely,



Susan H. Richardson

Attachment
cc: George Lipton

APPENDIX A

Intersteel, Inc.
Response to EPA General Notice Letter and Information Request
Chemetco Superfund Site, Hartford, Illinois

INFORMATION REQUEST

1. *Provide the following information about your company ("Respondent"):*

(a) *The complete and correct legal name of your company.*

Intersteel, Inc. ("Intersteel")

(b) *The name(s) and address(es) of the President and the Chairman of the Board, or other presiding officer of the company.*

George Lipton, CEO

(c) *The state of incorporation of the company and the company's agents for service.*

State of Incorporation: Georgia

Agent for Service: Ron Riggs, 728 Holcomb Bridge Road, Norcross, GA 30071

(d) *The name(s) of all subsidiaries, affiliates, or parent companies to your company.*

No subsidiaries, affiliates, or parent companies.

(e) *The state of incorporation and agents for service of process in the state of incorporation.*

See Response to No. 1(c).

(f) *The status of all subsidiaries, affiliates, or parent companies to your company.*

See Response to No. 1(d).

Intersteel, Inc.
Response to EPA General Notice Letter and Information Request
Chemetco Superfund Site, Hartford, Illinois

2. *Describe and provide any documents related to your company's business activities which resulted in sending material to Chemetco.*

Intersteel sold three shipments of recyclable copper material to the Chemetco Site. The documents from these limited transactions are attached as Attachment 1.

3. *Describe and provide any documents related to your company's role at the Site, including what duties/involvement your company had at the Site.*

Intersteel sold three shipments of recyclable copper material to the Site. Intersteel had no duties or involvement with the Site beyond these three limited transactions.

4. *If the nature or size of Respondent's activities in relation to Chemetco changed over time, describe those changes and the dates they occurred.*

No changes over time occurred with regard to Intersteel's relationship with the Site. Intersteel's activities with regard to the Site were limited to the sale of three shipments of recyclable copper material.

5. *For each type of waste or material used in Respondent's operations, describe and provide documents relating to Respondent's contracts, agreements, or other arrangements for its disposal, treatment, trading, or recycling with Chemetco, including but not limited to whether Respondent controlled where waste sent to Chemetco warehouses was ultimately processed/recycled.*

Intersteel's activities with regard to the Site were limited to the sale of three shipments of recyclable copper material. This recyclable copper material was purchased for fair market value. The documents provided in Attachment 1 identify these three transactions. Intersteel had no additional contracts, agreements or other arrangements with the Site. It was Intersteel's understanding that the recyclable copper sold to Chemetco would be recycled into copper anodes at the Site.

6. *If not already provided, specify the dates and circumstances when Respondent's waste or material was taken to the Site, and identify the companies or individuals who brought Respondent's waste/material to the Site. Provide any documents which support or memorialize your response.*

As identified in the documents included in Attachment 1, Intersteel delivered the recyclable copper material to the Site in 2001 by way of third party common

Intersteel, Inc.
Response to EPA General Notice Letter and Information Request
Chemetco Superfund Site, Hartford, Illinois

carrier trucks on the following dates: September 19, 2001; September 24, 2001; and October 11, 2001.

7. *Were transactions between your company and Chemetco and specifically the Site: 1) an outright sale; 2) subject to a written or verbal "tolling" agreement between the companies; or 3) reflected the "banking" of the transacted material in a metal account at the request of your company for return or other disposition at a later date?*

All transactions between Intersteel and Chemetco were direct sales. Payment for the recyclable copper material, although due after delivery, was never made by Chemetco. Intersteel has filed a claim with the Chemetco bankruptcy estate for the amount due. Intersteel was to have received a fair market price for the recyclable copper material. There were no "tolling" or "banking" agreements.

8. *Did your company have any influence over waste disposal or recycling activities at the Site? If so, how?*

No.

9. *Was any shipment of material sent to the Site by Respondent ever refused and/or returned? If so, describe this event in detail, including its cause and outcome.*

No.

10. *Describe in detail the types of material that you sent for recycling, processing, or disposal at the Site. In your response, please also give the generic name of each type of materials shipped to the Site [e.g., scrap metal (including scrap automobiles), batteries, electronics, scrap paper, scrap plastic or scrap textile, etc.].*

Intersteel sold three shipments of recyclable copper material to the Chemetco site to be used as a replacement for virgin copper in the manufacture of copper anodes. Two of these shipments were classified as "No. 2 Copper Chops." The other load was of commutators, rotary electric switches utilized in electric motors or electrical generators and stators, the stationary part of a rotor system.

- (a) *Identify whether the materials were delivered directly to the Site or were trans-shipped there from another intermediate delivery point. If applicable, describe each such delivery point.*

Deliveries were made directly to the Site.

Intersteel, Inc.
Response to EPA General Notice Letter and Information Request
Chemetco Superfund Site, Hartford, Illinois

- (b) *State whether any of the material was ever tested by your company and if so, whether the substances exhibited any of the characteristics of a hazardous waste identified in 35 Illinois Administrative Code 721, Subpart C or 40 C.F.R. § 261, Subpart C.*

Intersteel never tested, nor was it required to test, the recyclable copper material.

- (c) *Describe what was done to materials once they were brought to the Site, including any further processing of the materials.*

Intersteel understood that the three shipments of recyclable copper material sold to the Site would be utilized as a feedstock or as a substitute or replacement for virgin copper in the manufacture of copper anodes.

- (d) *Provide any additional information and all documents that you believe are related to the type, nature and characteristics of the materials you sent to the Site.*

No additional information and documents.

- (e) *List the years in which your company sent materials to Chemetco and/or its broker(s) for recycling, processing, or disposal.*

The three sales of the recyclable copper material to the Site occurred in 2001. No broker was involved.

Questions and Requests for Documents Related to Scrap Metal

11. *For the following questions which relate to transactions involving scrap metals, provide the requested information, and also provide copies of any documents that contain any information that is related to the response:*

- (a) *Did a market exist for the scrap metal listed in your response to No. 10 above? If so, describe the nature of such a market at the time of the transaction (possible uses, possible consumers, etc.) and the source of the commercial specification grade (e.g., Institute of Scrap Recycling Industries, Inc. (ISRI), Department of Defense, or wherever your company would find the grade published).*

A market for the recyclable copper listed in Intersteel's response to No. 10 existed at the time the material was sold to the Site.. The nature of

Intersteel, Inc.

Response to EPA General Notice Letter and Information Request
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the market was use of the recyclable copper as a feedstock or as a substitute or replacement for virgin copper in the manufacture of copper anodes. Intersteel was to have received fair market value for the recyclable copper material sold to the Site. However, as stated in No. 7, Chemetco failed to pay the amount due before filing for bankruptcy. Two of the three shipments of the recyclable copper material that Intersteel sold to the Site are identified as "No. 2 Copper Chops," which is almost a pure form of copper. No. 2 Copper Chops have a very low lead content and, as such, are often utilized as a feedstock for brass and other copper-based products. The other shipment was a slightly lower grade of copper, identified as "copper bearing." The source of the commercial specification grade was industry specifications.

- (b) *What commercial specification grade did the scrap metal listed in your response to question No. 10 meet? Identify/list the commercial specification grades that each scrap metal identified in No. 9 met.*

See response to No. 11(a).

- (c) *At the time of the transaction(s) what was the intended disposition of the scrap metal listed in your response to question No. 10? Did this include burning as fuel, or for energy recovery, or incineration?*

The intended use of the recyclable copper material sold to the Site by Intersteel was as a feedstock or as a substitute or replacement for virgin copper in the manufacture of copper anodes.

- (d) *After sale, transfer, delivery, recycling, or disposal, what portion of the scrap metal listed in your response to question No. 10 was to be made available for use as a feedstock for manufacturing of new saleable products? Explain how the portion identified in this answer was derived or calculated.*

All of the recyclable copper material sold to the Site was to be made available as a feedstock or as a substitute or replacement for virgin copper in the manufacture of copper anodes.

- (e) *Could the scrap metal listed in your response to question No. 10 have been used as a replacement or substitute for a virgin raw material? If so, provide details.*

The recyclable copper material sold to the Site was used as a feedstock or as a replacement or substitute for virgin copper in the manufacture of

copper anodes. No. 2 Copper Chops are considered almost pure copper and used as a replacement or substitute for pure copper in the manufacture of brass, copper anodes and other copper-based products. The stators and commutators, although of lower grade than the No. 2. Copper Chops, could be used as a feedstock for the manufacture of copper anodes.

- (f) *Could any products made from the scrap metal listed in your response to question No. 10 have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.*

The copper anodes manufactured by the Site were then used as a replacement or substitute for pure copper in the manufacture of copper cathodes and other copper-based materials at other offsite manufacturing or recycling locations.

- (g) *Did your company melt the scrap metal listed in your response to question No. 10 before it was transported/delivered to the Site? If yes, describe the process used for melting the scrap metal.*

Intersteel did not melt the recyclable copper material before delivery to the Site.

- (h) *Describe the source of or the process that produced the materials sent to the Site.*

No. 2 copper chops are produced by a granulation system. The stators and commutators were OEM parts from a manufacturer.

12. *Did any of the scrap material sent to the Site contain other material(s) incident to or adhering to the scrap? If so, describe in detail.*

No. The recyclable copper material sold to the Site did not contain other material(s) incident to or adhering to the recyclable copper materials.

13. *Did any of the material sent to the Site contain wire or wiring? If so, was the wire's insulation first stripped before being shipped to or accepted at the Site, after being received at the Site, or was the wire not stripped?*

No.

Intersteel, Inc.
Response to EPA General Notice Letter and Information Request
Chemetco Superfund Site, Hartford, Illinois

14. *Did the material shipped include drums or shipping containers? If so, specify the generators of the drums or shipping containers, the capacity of such drums or containers and whether such containers ever contained liquid of any sort. If so, specify the type of liquid and whether such liquids contained wastes of any kind.*

No drums or shipping containers were sold to the Site.

15. *Describe all efforts (i.e., Site visits) taken by your company to determine what would be done with the scrap metal identified in your response to question No. 10.*

Intersteel's understanding was that the Site would utilize the recyclable copper materials as a feedstock or as a substitute or replacement for virgin copper in the production of copper anodes. Intersteel was to have been paid fair market value for the recyclable copper material but Chemetco filed for bankruptcy before payment was made.

Questions and Request for Documents Related to Electrical and Electronic Equipment

16. *For the following questions which relate to transactions involving electrical and electronic equipment (e.g., transformers, capacitors, white goods, computers, monitors, cables, circuit boards, or other electrical equipment), provide the requested information, and also provide copies of any documents that contain any information that is related to the response:*

Not Applicable – No electrical equipment was shipped.

-
- (a) *List an estimated number of shipments of electrical and electronic equipment your company sent to the Site on an annual basis and list the years. In this list, include the type and quantity, volume and weight of electrical and electronic equipment sent;*

Not Applicable – No electrical equipment was shipped.

- (b) *At the time of the transaction(s), what was the intended disposition of the electrical and electronic equipment listed in your response to question 15(a)? Did the intended disposition include burning as fuel or for energy recovery or incineration?*

Not Applicable – No electrical equipment was shipped.

Intersteel, Inc.
Response to EPA General Notice Letter and Information Request
Chemetco Superfund Site, Hartford, Illinois

17. *With respect to waste or materials sent to the Site, at the time of the transactions, specify the measures you took to determine the actual means of treatment, disposal, recycling, or other uses of the material. Provide information you had and any documents relating to the treatment, recycling and disposal practices of Chemetco at the Site. What assurances, if any, were you given by the owner/operator of the Site regarding the proper handling and ultimate disposition of the materials you sent there, as well as its compliance with applicable environmental laws? Include in your response any correspondence to and from Chemetco relating to this topic and dates the measures were taken or assurances were given.*

Intersteel's understanding was that the Site would utilize the recyclable copper materials as a feedstock or as a substitute or replacement for virgin copper in the production of copper anodes. Intersteel was to have been paid fair market value for the recyclable copper material but Chemetco filed for bankruptcy before payment was made.

18. *What efforts and when, if any, did you take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to selling, transferring, delivering disposing of, trading, or arranging for the treatment, recycling, or disposal of any materials?*

Intersteel's understanding was that the Site would utilize the recyclable copper materials as a feedstock or as a substitute or replacement for virgin copper in the production of copper anodes. Intersteel was to have been paid fair market value for the recyclable copper material but Chemetco filed for bankruptcy before payment was made.. Chemetco represented that environmental issues with Illinois EPA had been resolved and that Chemetco was operating in compliance with environmental laws.

19. *Provide all information in your possession that shows that you were in compliance with applicable federal environmental regulations or standards regarding the recycling of materials, particularly Section 127 of CERCLA, 42 U.S.C. § 9627, sent to the Chemetco Site.*

Intersteel's copper material sold to the Site was a "recyclable material" within the meaning of Section 127 of CERCLA, 42 U.S.C. § 9627.

20. *Provide all information in your possession that shows that you were in compliance with applicable federal environmental regulations or standards regarding scrap metal promulgated under Resource Conservation and Recovery Act (RCRA).*

Intersteel, Inc.
Response to EPA General Notice Letter and Information Request
Chemetco Superfund Site, Hartford, Illinois

Intersteel complied with applicable regulations in the handling of its recyclable copper material.

21. *Provide all RCRA Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.*

Intersteel was not required to have a RCRA Identification Number for its operations.

22. *List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.*

Intersteel is not required to report under any federal or state environmental laws or regulations.

23. *Identify the federal and state offices to which such information was sent. State the years during which such information was sent/filed.*

Intersteel is not required to report under any federal or state environmental laws or regulations.

24. *If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.*

None.

25. *If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained. If the records were destroyed, provide us with the following:*

- (a) *the document retention policy between 1970 and 2001;*

Not applicable. Documents have been provided.

Intersteel, Inc.
Response to EPA General Notice Letter and Information Request
Chemetco Superfund Site, Hartford, Illinois

- (b) *a description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;*

Not applicable. Documents have been provided.

- (c) *a description of the type of information that would have been contained in the documents;*

Not applicable. Documents have been provided.

- (d) *the name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and*

Not applicable. Documents have been provided.

- (e) *the names and most current address of any person(s) who may possess documents relevant to this inquiry. Please state the name, title and address of each individual who assisted or was consulted in the preparation of the response to this information request.*

There are no persons who may possess documents relevant to this inquiry.

Susan H. Richardson of the law firm Kilpatrick Townsend & Stockton, assisted George Lipton with the response to this Information Request. Their addresses are listed below:

Susan H. Richardson
Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309

George Lipton
3475 Woodhaven Road, N.W.
Atlanta, GA 30305

Intersteel, Inc.
Response to EPA General Notice Letter and Information Request
Chemetco Superfund Site, Hartford, Illinois

ATTACHMENT 1

INTERSTEEL

INTERSTEEL, INC.

Invoice

| | |
|-----------|-----------|
| DATE | INVOICE # |
| 9/19/2001 | 1576 |

BILL TO

CHEMETCO
P.O. BOX 8
HARTFORD, IL 62048

SHIP TO
CHEMETCO
P.O. BOX 8
HARTFORD, IL 62048

| | | | | | | |
|-------------|------------|---------------------|-----------|----------|------------|-----------|
| P.O. NUMBER | TERMS | REP | SHIP | VIA | F.O.B. | ORDER # |
| 7251 | Net 30 | 01 | 9/19/2001 | MONTG... | PREPAID | 97271 |
| QUANTITY | ITEM CODE | DESCRIPTION | | | PRICE EACH | AMOUNT |
| 43,800 | CU BEARING | STATORS/COMMUTATORS | | | 0.25 | 10,950.00 |
| | | | | | | |

| | |
|--------------|--------------------|
| Total | \$10,950.00 |
|--------------|--------------------|

Fax #

All unpaid balances beyond stated terms will incur a 1%/month late fee charge.

02/29/2012 06:32 FAX 404 816 3268

INTERSTEEL

002

INTERSTEEL, INC.

3475 WOODHAVEN ROAD NW
ATLANTA, GA 30305
404-261-2934
404-816-3268 (FAX)

Invoice

| DATE | INVOICE # |
|-----------|-----------|
| 9/24/2001 | 1584 |

| BILL TO |
|--|
| CHEMETCO P.O. BOX 8 HARTFORD, IL 62048 |

| SHIP TO |
|--|
| CHEMETCO P.O. BOX 8 HARTFORD, IL 62048 |

| P.O. NUMBER | TERMS | REP | SHIP | VIA | F.O.B. | ORDER # |
|-------------|-------------|--------------|-----------|-------|------------|-----------|
| 7567 | Net 30 | 01 | 9/24/2001 | TRUCK | PREPAID | 97276 |
| QUANTITY | ITEM CODE | DESCRIPTION | | | PRICE EACH | AMOUNT |
| 42,937 | #2 CU CHOPS | # 2 CU CHOPS | | | 0.56 | 24,044.72 |
| | | | | | | |

| | | | |
|--|--|--|--|
| | | | |
| | | | |
| | | | |
| Fax # | | | |
| All unpaid balances beyond stated terms will incur a 1%/month late fee charge. | | | |

Total \$24,044.72

02/29/2012 00:00:00

INTERSTEEL, INC.

3475 WOODHAVEN ROAD NW

ATLANTA, GA 30305

404-261-2934

404-816-3268 (FAX)

Invoice

| DATE | INVOICE # |
|------------|-----------|
| 10/11/2001 | 1615 |

| |
|--|
| BILL TO |
| CHEMETCO P.O. BOX 8 HARTFORD, IL 62048 |

| |
|--|
| SHIP TO |
| CHEMETCO P.O. BOX 8 HARTFORD, IL 62048 |

| P.O. NUMBER | TERMS | REP | SHIP | VIA | F.O.B. | ORDER # |
|-------------|-----------|-------------|------------|-------|------------|-----------|
| 8648 | Net 30 | 01 | 10/11/2001 | TRUCK | PREPAID | 97284 |
| QUANTITY | ITEM CODE | DESCRIPTION | | | PRICE EACH | AMOUNT |
| 32,122 | #2 CU | #2 CU | | | 0.54 | 17,345.88 |

| | |
|--|--|
| | |
| | |
| Fax # | |
| All unpaid balances beyond stated terms will incur a 1%/month late fee charge. | |

| | |
|--------------|--------------------|
| Total | \$17,345.88 |
|--------------|--------------------|

APPENDIX A

Intersteel, Inc.
Response to EPA General Notice Letter and Information Request
Chemetco Superfund Site, Hartford, Illinois

INFORMATION REQUEST

1. *Provide the following information about your company ("Respondent"):*
- (a) *The complete and correct legal name of your company.*
Intersteel, Inc. ("Intersteel")
 - (b) *The name(s) and address(es) of the President and the Chairman of the Board, or other presiding officer of the company.*
George Lipton, CEO
 - (c) *The state of incorporation of the company and the company's agents for service.*
State of Incorporation: Georgia
Agent for Service: Ron Riggs, 728 Holcomb Bridge Road, Norcross, GA 30071
 - (d) *The name(s) of all subsidiaries, affiliates, or parent companies to your company.*
No subsidiaries, affiliates, or parent companies.
 - (e) *The state of incorporation and agents for service of process in the state of incorporation.*
See Response to No. 1(c).
 - (f) *The status of all subsidiaries, affiliates, or parent companies to your company.*
See Response to No. 1(d).

3/2/12
version

(Replaced by
3/14/12 version.)

NE
5/5/12

Intersteel, Inc.
Response to EPA General Notice Letter and Information Request
Chemetco Superfund Site, Hartford, Illinois

2. *Describe and provide any documents related to your company's business activities which resulted in sending material to Chemetco.*

Intersteel sold three shipments of recyclable copper material to the Chemetco Site. The documents from these limited transactions are attached as Attachment 1.

3. *Describe and provide any documents related to your company's role at the Site, including what duties/involvement your company had at the Site.*

Intersteel sold three shipments of recyclable copper material to the Site. Intersteel had no duties or involvement with the Site beyond these three limited transactions:

4. *If the nature or size of Respondent's activities in relation to Chemetco changed over time, describe those changes and the dates they occurred.*

No changes over time occurred with regard to Intersteel's relationship with the Site. Intersteel's activities with regard to the Site were limited to the sale of three shipments of recyclable copper material.

5. *For each type of waste or material used in Respondent's operations, describe and provide documents relating to Respondent's contracts, agreements, or other arrangements for its disposal, treatment, trading, or recycling with Chemetco, including but not limited to whether Respondent controlled where waste sent to Chemetco warehouses was ultimately processed/recycled.*

Intersteel's activities with regard to the Site were limited to the sale of three shipments of recyclable copper material. This recyclable copper material was purchased for fair market value. The documents provided in Attachment 1 identify these three transactions. Intersteel had no additional contracts, agreements or other arrangements with the Site. It was Intersteel's understanding that the recyclable copper sold to Chemetco would be recycled into copper anodes at the Site.

6. *If not already provided, specify the dates and circumstances when Respondent's waste or material was taken to the Site, and identify the companies or individuals who brought Respondent's waste/material to the Site. Provide any documents which support or memorialize your response.*

As identified in the documents included in Attachment 1, Intersteel delivered the recyclable copper material to the Site in 2001 by way of third party common

Intersteel, Inc.
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carrier trucks on the following dates: September 19, 2001; September 24, 2001; and October 11, 2001.

7. *Were transactions between your company and Chemetco and specifically the Site: 1) an outright sale; 2) subject to a written or verbal "tolling" agreement between the companies; or 3) reflected the "banking" of the transacted material in a metal account at the request of your company for return or other disposition at a later date?*

All transactions between Intersteel and Chemetco were direct sales. Payment for the recyclable copper material, although due after delivery, was never made by Chemetco. Intersteel has filed a claim with the Chemetco bankruptcy estate for the amount due. Intersteel was to have received a fair market price for the recyclable copper material. There were no "tolling" or "banking" agreements.

8. *Did your company have any influence over waste disposal or recycling activities at the Site? If so, how?*

No.

9. *Was any shipment of material sent to the Site by Respondent ever refused and/or returned? If so, describe this event in detail, including its cause and outcome.*

No.

10. *Describe in detail the types of material that you sent for recycling, processing, or disposal at the Site. In your response, please also give the generic name of each type of materials shipped to the Site [e.g., scrap metal (including scrap automobiles), batteries, electronics, scrap paper, scrap plastic or scrap textile, etc.].*

Intersteel sold three shipment of recyclable copper material to the Chemetco site to be used as a replacement for virgin copper in the manufacture of copper anodes. Two of these shipments were classified as "No. 2 Copper Chops." The other load was of commutators, rotary electric switches utilized in electric motors or electrical generators and stators, the stationary part of a rotor system.

- (a) *Identify whether the materials were delivered directly to the Site or were trans-shipped there from another intermediate delivery point. If applicable, describe each such delivery point.*

Deliveries were made directly to the Site.

Intersteel, Inc.
Response to EPA General Notice Letter and Information Request
Chemetco Superfund Site, Hartford, Illinois

- (b) *State whether any of the material was ever tested by your company and if so, whether the substances exhibited any of the characteristics of a hazardous waste identified in 35 Illinois Administrative Code 721, Subpart C or 40 C.F.R. § 261, Subpart C.*

Intersteel never tested, nor was it required to test, the recyclable copper material.

- (c) *Describe what was done to materials once they were brought to the Site, including any further processing of the materials.*

Intersteel understood that the three shipments of recyclable copper material sold to the Site would be utilized as a feedstock or as a substitute or replacement for virgin copper in the manufacture of copper anodes.

- (d) *Provide any additional information and all documents that you believe are related to the type, nature and characteristics of the materials you sent to the Site.*

No additional information and documents.

- (e) *List the years in which your company sent materials to Chemetco and/or its broker(s) for recycling, processing, or disposal.*

The three sales of the recyclable copper material to the Site occurred in 2001. No broker was involved.

Questions and Requests for Documents Related to Scrap Metal

11. *For the following questions which relate to transactions involving scrap metals, provide the requested information, and also provide copies of any documents that contain any information that is related to the response:*

- (a) *Did a market exist for the scrap metal listed in your response to No. 10 above? If so, describe the nature of such a market at the time of the transaction (possible uses, possible consumers, etc.) and the source of the commercial specification grade (e.g., Institute of Scrap Recycling Industries, Inc. (ISRI), Department of Defense, or wherever your company would find the grade published).*

A market for the recyclable copper listed in Intersteel's response to No. 10 existed at the time the material was sold to the Site. The nature of

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the market was use of the recyclable copper as a feedstock or as a substitute or replacement for virgin copper in the manufacture of copper anodes. Intersteel was to have received fair market value for the recyclable copper material sold to the Site. However, as stated in No. 7, Chemetco failed to pay the amount due before filing for bankruptcy. Two of the three shipments of the recyclable copper material that Intersteel sold to the Site are identified as "No. 2 Copper Chops," which is almost a pure form of copper. No. 2 Copper Chops have a very low lead content and, as such, are often utilized as a feedstock for brass and other copper-based products. The other shipment was a slightly lower grade of copper, identified as "copper bearing." The source of the commercial specification grade was industry specifications.

- (b) *What commercial specification grade did the scrap metal listed in your response to question No. 10 meet? Identify/list the commercial specification grades that each scrap metal identified in No. 9 met.*

See response to No. 11(a).

- (c) *At the time of the transaction(s) what was the intended disposition of the scrap metal listed in your response to question No. 10? Did this include burning as fuel, or for energy recovery, or incineration?*

The intended use of the recyclable copper material sold to the Site by Intersteel was as a feedstock or as a substitute or replacement for virgin copper in the manufacture of copper anodes.

- (d) *After sale, transfer, delivery, recycling, or disposal, what portion of the scrap metal listed in your response to question No. 10 was to be made available for use as a feedstock for manufacturing of new saleable products? Explain how the portion identified in this answer was derived or calculated.*

All of the recyclable copper material sold to the Site was to be made available as a feedstock or as a substitute or replacement for virgin copper in the manufacture of copper anodes.

- (e) *Could the scrap metal listed in your response to question No. 10 have been used as a replacement or substitute for a virgin raw material? If so, provide details.*

The recyclable copper material sold to the Site was used as a feedstock

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or as a replacement or substitute for virgin copper in the manufacture of copper anodes. No. 2 Copper Chops are considered almost pure copper and used as a replacement or substitute for pure copper in the manufacture of brass, copper anodes and other copper-based products. The stators and commutators, although of lower grade than the No. 2. Copper Chops, could be used as a feedstock for the manufacture of copper anodes.

- (f) *Could any products made from the scrap metal listed in your response to question No. 10 have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.*

The copper anodes manufactured by the Site were then used as a replacement or substitute for pure copper in the manufacture of copper cathodes and other copper-based materials at other offsite manufacturing or recycling locations.

- (g) *Did your company melt the scrap metal listed in your response to question No. 10 before it was transported/delivered to the Site? If yes, describe the process used for melting the scrap metal.*

Intersteel did not melt the recyclable copper material before delivery to the Site.

- (h) *Describe the source of or the process that produced the materials sent to the Site.*

No. 2 copper chops are produced by a granulation system. The stators and commutators were OEM parts from a manufacturer.

12. *Did any of the scrap material sent to the Site contain other material(s) incident to or adhering to the scrap? If so, describe in detail.*

No. The recyclable copper material sold to the Site did not contain other material(s) incident to or adhering to the recyclable copper materials.

13. *Did any of the material sent to the Site contain wire or wiring? If so, was the wire's insulation first stripped before being shipped to or accepted at the Site, after being received at the Site, or was the wire not stripped?*

No.

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14. *Did the material shipped include drums or shipping containers? If so, specify the generators of the drums or shipping containers, the capacity of such drums or containers and whether such containers ever contained liquid of any sort. If so, specify the type of liquid and whether such liquids contained wastes of any kind.*

No drums or shipping containers were sold to the Site.

15. *Describe all efforts (i.e., Site visits) taken by your company to determine what would be done with the scrap metal identified in your response to question No. 10.*

Intersteel's understanding was that the Site would utilize the recyclable copper materials as a feedstock or as a substitute or replacement for virgin copper in the production of copper anodes. Intersteel was to have been paid fair market value for the recyclable copper material but Chemetco filed for bankruptcy before payment was made.

Questions and Request for Documents Related to Electrical and Electronic Equipment

16. *For the following questions which relate to transactions involving electrical and electronic equipment (e.g., transformers, capacitors, white goods, computers, monitors, cables, circuit boards, or other electrical equipment), provide the requested information, and also provide copies of any documents that contain any information that is related to the response:*

Not Applicable – No electrical equipment was shipped.

-
- (a) *List an estimated number of shipments of electrical and electronic equipment your company sent to the Site on an annual basis and list the years. In this list, include the type and quantity, volume and weight of electrical and electronic equipment sent;*

Not Applicable – No electrical equipment was shipped.

- (b) *At the time of the transaction(s), what was the intended disposition of the electrical and electronic equipment listed in your response to question 15(a)? Did the intended disposition include burning as fuel or for energy recovery or incineration?*

Not Applicable – No electrical equipment was shipped.

17. *With respect to waste or materials sent to the Site, at the time of the*

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transactions, specify the measures you took to determine the actual means of treatment, disposal, recycling, or other uses of the material. Provide information you had and any documents relating to the treatment, recycling and disposal practices of Chemetco at the Site. What assurances, if any, were you given by the owner/operator of the Site regarding the proper handling and ultimate disposition of the materials you sent there, as well as its compliance with applicable environmental laws? Include in your response any correspondence to and from Chemetco relating to this topic and dates the measures were taken or assurances were given.

Intersteel's understanding was that the Site would utilize the recyclable copper materials as a feedstock or as a substitute or replacement for virgin copper in the production of copper anodes. Intersteel was to have been paid fair market value for the recyclable copper material but Chemetco filed for bankruptcy before payment was made.

18. *What efforts and when, if any, did you take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to selling, transferring, delivering disposing of, trading, or arranging for the treatment, recycling, or disposal of any materials?*

Intersteel's understanding was that the Site would utilize the recyclable copper materials as a feedstock or as a substitute or replacement for virgin copper in the production of copper anodes. Intersteel was to have been paid fair market value for the recyclable copper material but Chemetco filed for bankruptcy before payment was made.. Chemetco represented that environmental issues with Illinois EPA had been resolved and that Chemetco was operating in compliance with environmental laws.

19. *Provide all information in your possession that shows that you were in compliance with applicable federal environmental regulations or standards regarding the recycling of materials, particularly Section 127 of CERCLA, 42 U.S.C. § 9627, sent to the Chemetco Site.*

Intersteel's copper material sold to the Site was a "recyclable material" within the meaning of Section 127 of CERCLA, 42 U.S.C. § 9627.

20. *Provide all information in your possession that shows that you were in compliance with applicable federal environmental regulations or standards regarding scrap metal promulgated under Resource Conservation and Recovery Act (RCRA).*

Intersteel complied with applicable regulations in the handling of its recyclable

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copper material.

21. *Provide all RCRA Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.*

Intersteel was not required to have a RCRA Identification Number for its operations.

22. *List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.*

Intersteel is not required to report under any federal or state environmental laws or regulations.

23. *Identify the federal and state offices to which such information was sent. State the years during which such information was sent/filed.*

Intersteel is not required to report under any federal or state environmental laws or regulations.

24. *If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.*

None.

25. *If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained. If the records were destroyed, provide us with the following:*

- (a) *the document retention policy between 1970 and 2001;*

Not applicable. Documents have been provided.

- (b) *a description of how the records were destroyed (burned, trashed, etc.)*

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and the approximate date of destruction;

Not applicable. Documents have been provided.

- (c) *a description of the type of information that would have been contained in the documents;*

Not applicable. Documents have been provided.

- (d) *the name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and*

Not applicable. Documents have been provided.

- (e) *the names and most current address of any person(s) who may possess documents relevant to this inquiry. Please state the name, title and address of each individual who assisted or was consulted in the preparation of the response to this information request.*

There are no persons who may possess documents relevant to this inquiry.

Susan H. Richardson of the law firm Kilpatrick Townsend & Stockton, assisted George Lipton with the response to this Information Request. Their addresses are listed below:

Susan H. Richardson
Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309

George Lipton
3475 Woodhaven Road, N.W.
Atlanta, GA 30305

Intersteel, Inc.
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Chemetco Superfund Site, Hartford, Illinois

ATTACHMENT 1

☒ 001

All unpaid balances beyond stated terms will incur a 1%/month late fee charge.

02/29/2012 06:32 FAX 404 816 3268

INTERSTEEL

002

INTERSTEEL, INC.

3475 WOODHAVEN ROAD NW
ATLANTA, GA 30305
404-261-2934
404-816-3268 (FAX)

Invoice

| DATE | INVOICE # |
|-----------|-----------|
| 9/24/2001 | 1584 |

| |
|--|
| BILL TO |
| CHEMETCO P.O. BOX 8 HARTFORD, IL 62048 |

| |
|--|
| SHIP TO |
| CHEMETCO P.O. BOX 8 HARTFORD, IL 62048 |

| P.O. NUMBER | TERMS | REP | SHIP | VIA | F.O.B. | ORDER # |
|-------------|-------------|--------------|-----------|-------|------------|-----------|
| 7567 | Net 30 | 01 | 9/24/2001 | TRUCK | PREPAID | 97276 |
| QUANTITY | ITEM CODE | DESCRIPTION | | | PRICE EACH | AMOUNT |
| 42,937 | #2 CU CHOPS | # 2 CU CHOPS | | | 0.56 | 24,044.72 |
| | | | | | | |

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| |
| Fax # |
| |
| All unpaid balances beyond stated terms will incur a 1%/month late fee charge. |

Total \$24,044.72

02/29/2012 00:00

INTERSTEEL, INC.

3475 WOODHAVEN ROAD NW
ATLANTA, GA 30305
404-261-2934
404-816-3268 (FAX)

Invoice

| DATE | INVOICE # |
|------------|-----------|
| 10/11/2001 | 1615 |

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|--|
| BILL TO |
| CHEMETCO P.O. BOX 8 HARTFORD, IL 62048 |

| |
|--|
| SHIP TO |
| CHEMETCO P.O. BOX 8 HARTFORD, IL 62048 |

| P.O. NUMBER | TERMS | REP | SHIP | VIA | F.O.B. | ORDER # |
|-------------|-----------|-------------|------------|-------|------------|-----------|
| 8648 | Net 30 | 01 | 10/11/2001 | TRUCK | PREPAID | 97284 |
| QUANTITY | ITEM CODE | DESCRIPTION | | | PRICE EACH | AMOUNT |
| 32,122 | #2 CU | #2 CU | | | 0.54 | 17,345.88 |

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| | |
| Fax # | |
| All unpaid balances beyond stated terms will incur a 1%/month late fee charge. | |

Total \$17,345.88